

REMARKS

In response to the pending Office Action, claims 1-8 have been amended. Support for the present amendments may be found in the application at, for example, page 3, line 15 to page 7, line 3 and FIGS. 1-2. No new matter has been introduced.

For the reasons set forth below, Applicants respectfully submit that all pending claims as currently amended are patentable over the cited prior art.

Claim Objections

Claims 4-8 were objected to under 37 C.F.R. 1.75(c) as being in improper format. Claims 4-8 have been amended to overcome this objection.

Claim Rejections – 35 U.S.C. § 102

Claims 1-3 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Number 6,804,179 (“Miyashita”). Applicants respectfully traverse these rejections for at least the following reasons.

As amended, claim 1 recites a digital audio system that includes a reproduction unit to reproduce digital audio signals from a signal source controlled by a control device. The control device is provided with a manually operable input arrangement which is movable in two directions such that movement in a first direction causes the reproduction of a portion of the signals to be skipped and movement in a second direction causes the reproduction of a portion of the signals to be repeated. When the manually operable input arrangement is moved in the first direction the portion of signals is periodically skipped with the size of the portion skipped depending on rate of movement.

Applicants respectfully request reconsideration and withdrawal of the rejection of claim 1 and its dependent claims because Miyashita fails to describe or suggest a digital audio system such that when the manually operable input arrangement is moved in the first direction the portion of signals is periodically skipped with the size of the portion skipped depending on rate of movement, as recited in claim 1 (emphasis added).

Miyashita discloses an information playback apparatus for performing playbacks. Miyashita at Title. FIG. 1 of Miyashita illustrates such an information playback apparatus (1) which is provided with a jog dial (13). Miyashita at col. 8, lines 66-67. Jog dial (13) is a disk-like rotator allowed to rotate in a clockwise direction (e.g., a forward direction) and in a counterclockwise direction (e.g., a reverse direction). Miyashita at col. 8, line 66 to col. 9, line 1.

In operation, Miyashita describes that when jog dial (13) is rotated in a clockwise direction, the forward playback is performed at a speed depending on the rotational speed of jog dial (13). Miyashita at col. 9, lines 10-14. Similarly, when jog dial (13) is rotated in the counterclockwise direction, reverse playback is performed at a speed depending on the rotational speed thereof. Miyashita at col. 9, lines 14-16.

As such, Miyashita appears to merely disclose using jog dial (13) to perform forward or reverse playback such that the speed of the forward or reverse playback depends on the rotational speed of jog dial (13). This does not describe or suggest that when jog dial (13) is moved in a forward direction, for example, the portion of signals is periodically skipped with the size of the portion skipped depending on rate of movement.

Accordingly, Miyashita fails to describe or suggest a digital audio system such that when the manually operable input arrangement is moved in the first direction the portion of signals is

periodically skipped with the size of the portion depending on rate of movement, as recited in claim 1 (emphasis added).

For the foregoing reasons, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 1 along with its dependent claims.

Dependent Claims

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Because claim 1 is allowable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also allowable. In addition, it is respectfully submitted that the dependent claims are allowable based on their own merits by adding novel and non-obvious features to the combination.

Based on the foregoing, it is respectfully submitted that all pending claims are patentable over the cited prior art. Accordingly, it is respectfully requested that the rejection under 35 U.S.C. § 102 be withdrawn.

Conclusion

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

Application No.: 10/813,627

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Michael E. Fegarty
Registration No. 36,139

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 MEF:lcb
Facsimile: 202.756.8087
Date: September 26, 2007

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as our correspondence address.**